

(Form 4)

# Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis

United States District Court for the MIDDLE District of ALABAMAA. B., Plaintiff, Taiwan Burton

2008 JUN 19 A 11:00

v.

C. D., Defendant, James DeLoachGEORGE P. HACKETT, JR.  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

Case No.

CV-06-A-141-N

**Instructions:** Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

## Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

My issues on appeal are:

1. For both you and your spouse, estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

| Income Source   | Average monthly amount<br>during the past 12 months |          | Amount expected next<br>month |          |
|---|---|----------|-------------------------------|----------|
|   | You   | Spouse   | You                           | Spouse   |
| Employment  | \$ <u>0</u>   | \$ _____ | \$ _____                      | \$ _____ |
| Self-employment   | \$ <u>0</u>   | \$ _____ | \$ _____                      | \$ _____ |
| Income from real property<br>(such as rental income)                    | \$ <u>0</u>   | \$ _____ | \$ _____                      | \$ _____ |
| Interests and dividends   | \$ <u>0</u>   | \$ _____ | \$ _____                      | \$ _____ |
| Gifts   | \$ <u>0</u>   | \$ _____ | \$ _____                      | \$ _____ |
| Alimony   | \$ <u>0</u>   | \$ _____ | \$ _____                      | \$ _____ |
| Child support   | \$ <u>0</u>   | \$ _____ | \$ _____                      | \$ _____ |
| Retirement (such as Social Security, pensions, annuities,<br>insurance) | \$ <u>0</u>   | \$ _____ | \$ _____                      | \$ _____ |
| Disability (such as Social Security, insurance payments)                | \$ <u>0</u>   | \$ _____ | \$ _____                      | \$ _____ |
| Unemployment payments   | \$ <u>0</u>   | \$ _____ | \$ _____                      | \$ _____ |
| Public-assistance (such as welfare)                                     | \$ <u>0</u>   | \$ _____ | \$ _____                      | \$ _____ |
| Other (specify): _____  | \$ <u>0</u>   | \$ _____ | \$ _____                      | \$ _____ |
| <b>Total monthly income:</b>  | \$ <u>0</u>   | \$ _____ | \$ _____                      | \$ _____ |

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

| Employer | Address | Dates of Employment | Gross Monthly Pay |
|----------|---------|---------------------|-------------------|
| W/A      |         |                     |                   |
|          |         |                     |                   |
|          |         |                     |                   |

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

|     |  |  |  |
|-----|--|--|--|
| W/A |  |  |  |
|     |  |  |  |
|     |  |  |  |

4. How much cash do you and your spouse have? \$ \_\_\_\_\_

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

| Financial Institution | Type of Account | Amount you have | Amount your spouse has |
|-----------------------|-----------------|-----------------|------------------------|
| W/A                   |                 | \$ _____        | \$ _____               |
|                       |                 | \$ _____        | \$ _____               |
|                       |                 | \$ _____        | \$ _____               |

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

| Home (Value)         | Other Real Estate (Value) | Motor Vehicle #1 (Value) |
|----------------------|---------------------------|--------------------------|
| W/A                  |                           | Make & Year: _____       |
|                      |                           | Model: _____             |
|                      |                           | Registration #: _____    |
| Other Assets (Value) | Other Assets (Value)      | Motor Vehicle #2 (Value) |
| W/A                  |                           | Make & Year: _____       |
|                      |                           | Model: _____             |
|                      |                           | Registration #: _____    |

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

| Person owing you or your spouse money | Amount owed to you | Amount owed to your spouse |
|---------------------------------------|--------------------|----------------------------|
| W/A                                   |                    |                            |
|                                       |                    |                            |
|                                       |                    |                            |

## 7. State the persons who rely on your or your spouse for support.

| Name  | Relationship | Age   |
|-------|--------------|-------|
| _____ | _____        | _____ |
| _____ | _____        | _____ |
| _____ | _____        | _____ |

## 8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

|   | You   | Your Spouse |
|---|-------|-------------|
| For home-mortgage payment (include lot rented for mobile home)                              | \$ 00 | \$ _____    |
| Are real-estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No    | \$ 00 | \$ _____    |
| Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No    | \$ 00 | \$ _____    |
| Utilities (electricity, heating fuel, water, sewer, and telephone)                          | \$ 00 | \$ _____    |
| Home maintenance (repairs and upkeep)   | \$ 00 | \$ _____    |
| Food  | \$ 00 | \$ _____    |
| Clothing  | \$ 00 | \$ _____    |
| Laundry and dry-cleaning  | \$ 00 | \$ _____    |
| Medical and dental expenses   | \$ 00 | \$ _____    |
| Transportation (not including motor vehicle payments)                                       | \$ 00 | \$ _____    |
| Recreation, entertainment, newspapers, magazines, etc.                                      | \$ 00 | \$ _____    |
| Insurance (not deducted from wages or included in mortgage payments)                        | \$ 00 | \$ _____    |
| Homeowner's or renter's   | \$ 00 | \$ _____    |
| Life  | \$ 00 | \$ _____    |
| Health  | \$ 00 | \$ _____    |
| Motor Vehicle   | \$ 00 | \$ _____    |
| Other: <u>N/A</u>   | \$ 00 | \$ _____    |
| Taxes (not deducted from wages or included in mortgage payments) (specify): <u>N/A</u>      | \$ 00 | \$ _____    |
| Installment payments  | \$ 00 | \$ _____    |
| Motor Vehicle   | \$ 00 | \$ _____    |
| Credit card (name): <u>N/A</u>  | \$ 00 | \$ _____    |
| Department store (name): <u>N/A</u>   | \$ 00 | \$ _____    |
| Other: <u>N/A</u>   | \$ 00 | \$ _____    |
| Alimony, maintenance, and support paid to others  | \$ 00 | \$ _____    |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ 00 | \$ _____    |
| Other (specify): <u>N/A</u>   | \$ 00 | \$ _____    |
| <b>Total monthly expenses</b>   | \$ 00 | \$ _____    |

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much: \$

N/A

If yes, state the attorney's name, address, and telephone number:

11. Have you paid – or will you be paying – anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? \$

N/A

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I don't have a job. I've been incarcerated for (16) yrs. I get limited funds.

13. State the address of your legal residence.

Drapen Correctional Center

Your daytime phone number: ( )

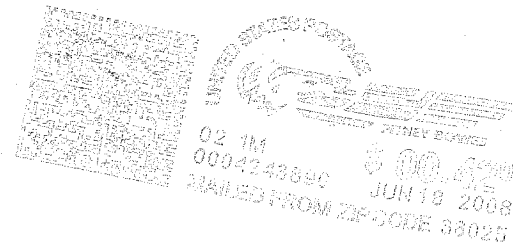
Your age: 35 Your years of schooling: 12

Your Social Security number: 418-15-6592

(As amended Apr. 24, 1998, eff. Dec. 1, 1998.)

TAIWAN R. BURTON  
A.I.S. #267305 (11-28B)  
DRAPER CORR. CTR.  
P.O. BOX 1107  
ELMORE, AL. 36025-1107

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UNITED STATES DISTRICT COURT  
P.O. BOX 711  
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